

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE

Of the Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **November 29, 2005**.

Members Present:

Legislator Pete O'Leary • Vice•Chair

Legislator Daniel Losquadro

Legislator David Bishop

Legislator William Lindsay

Legislator Elie Mystal

Legislator Lynne Nowick

Members Not Present:

Legislator Angie Carpenter • Chairperson/Excused

Legislator Michael Caracciolo

Also In Attendance:

Mea Knapp • Counsel to the Legislature

Alexandra Sullivan • Chief Deputy Clerk/Suffolk County Legislature

Doug Sutherland • Aide to Legislator Carpenter

Greg Moran • Press Secretary to Presiding Officer Caracappa

Lisa Keys • Aide to Presiding Officer Caracappa

Frank Tassone • Aide to Majority Caucus

Paul Perillie • Aide to Minority Caucus

Carl Yellon • Aide to Legislator Kennedy

Theresa Biegert • Aide to Legislator Losquadro

Jim Maggio • Budget Analyst/Budget Review Office

Jill Moss • Budget Analyst/Budget Review Office

Ben Zwirn • Assistant County Executive
Brian Beedenbender • County Executive Assistant
Jacqueline Caputi • County Attorney's Office
Walter Denzler • Undersheriff/Suffolk County Sheriff's Office
Robert Moore • Chief of Department/Suffolk County Police Department
John Scharf • Lieutenant/Commissioner's Office/SCPD
Stuart Cameron • Deputy Inspector•Special Patrol/SCPD
Henry Bishop • Lieutenant/Highway Patrol/SCPD
Bob Donohue • Lieutenant/Community Outreach/SCPD
Bob Anderson • Sergeant • 1st Precinct/SCPD
Rob Wairing • Lieutenant • 1st Precinct/SCPD
John Cowie • Detective Sergeant • Computer Crimes/SCPD
William Okula • Sergeant • Information Technology/SCPD
Joe Williams • Commissioner/Fire, Rescue & Emergency Services
Jim Bagg • Council on Environmental
Robert Kearon • Bureau Division Chief/District Attorney's Office
Hope Collazo • Director/Community Service Program•American Red Cross
Debbie Eppel • Public Information Office
Daniel DelValle • Vice•President Elect/Probation Officer's Association
Jeff Frayler • President/Police Benevolent Association
Tom Muratore • Vice•President/Police Benevolent Association
Mike Sharkey • President/Deputy Sheriff's Police Benevolent Association
Chau Lam • Newsday
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 12:41 P.M.*)

ACTING CHAIRMAN O'LEARY:

I'm going to call the meeting of the Public Safety & Public Information to order. If you would all rise for the salute to the flag led by Legislator Bishop.

Salutation

Thank you very much. Chairperson Legislator Carpenter is excused from this meeting; as the Vice•Chair, I'll be chairing this meeting of Public Safety & Public Information. Do we have any cards?

LEG. BISHOP:

Where is the Commissioner? Bring him up.

ACTING CHAIRMAN O'LEARY:

None? Yeah, my last shot, you know?

LEG. BISHOP:

Two.

ACTING CHAIRMAN O'LEARY:

Okay. Is there anyone who wishes to address the Public Safety Committee? Hearing none, let me get right to •• there's no public hearings scheduled today? Okay, we have the representatives from the County Attorney's Office; Jackie Caputi, are you here?

MS. CAPUTI:

Yes.

ACTING CHAIRMAN O'LEARY:

You wish to speak on a couple of intros?

MS. CAPUTI:

Yeah, I could do it now.

ACTING CHAIRMAN O'LEARY:

1868 and 2303? We'll take 1868 first.

MS. CAPUTI:

Thank you, Legislator O'Leary. At the last meeting the committee had asked our office to report back on a statement that I made that we would require more staff to comply with this

resolution which is a seizure resolution. So I checked with the County Attorney and she said that we would need at least one more attorney at a minimum and that's because, as you know, the Legislature has been passing numerous seizure laws this year that have required our office to expend resources and efforts. So it would be hard to say exactly what would be entailed until all the laws are in place and working, but it would be at least one attorney. So we would like the Legislature to consider that when they debate on this resolution.

And then the other resolution that I wanted to speak on is the last one on the agenda, it's Legislator Montano's resolution to create a task force concerning the Suffolk County Police Department. And in reviewing this bill I noticed that it designates our office, the Law Department, to provide clerical services, postage, supplies and whatnot to the commission during its work and the County Attorney asked that that •• if you do pass this resolution and establish a task force, that the Police Department provide those services and supplies. It seems to make more sense, the Police Commissioner would be the chairman of the commission. And also, again, our staff is strained at this point as far as secretarially and clerically doing law department business, so we would ask you to consider that request. Thank you very much.

ACTING CHAIRMAN O'LEARY:

Okay. Anyone else wish to come before the committee before I go to the agenda? Okay, then we'll go to the agenda.

Tabled Resolutions

1868•05 • Adopting Local Law No. 2005, a Local Law to protect Suffolk residents by permitting the seizure of vehicles engaged in unlawful speed contests or races (Cooper). What's the status of the public hearing on this, has it been recessed or closed?

MS. KNAPP:

1944?

ACTING CHAIRMAN O'LEARY:

1868, the public hearing. It's closed?

MS. SULLIVAN:

I have to go back and look.

MS. KNAPP:

1868, the public hearing was closed on August 23rd.

ACTING CHAIRMAN O'LEARY:

Okay, I'm going to make a motion to table, second by Legislator Losquadro. On the question of the motion to table 1868? Hearing none, all those in favor? Opposed? Abstentions? ***1868 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

1929•05 • Creating a Suffolk County Stop DWI Deaths Task Force (Viloria•Fisher). I

make a motion to table, second by Legislator Losquadro. On the question of the motion?

LEG. LINDSAY:

Yeah, on the motion.

ACTING CHAIRMAN O'LEARY:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah, I know in the previous discussions on this bill there was some confusion about whether it was a duplication of a similar bill I think that you sponsored, Legislator O'Leary, and the sponsor just wanted everybody to know that it isn't a duplication. What she envisions with this task force is a group of people trying to think of ways of preventing DWI in advance and she asked me to express those views to the committee.

ACTING CHAIRMAN O'LEARY:

Yeah, I think the exception, or the objection if you want to call it that, to this resolution from the chair is that it would be a duplication. There's already a DWI Task Force that's been put together by the County and the concern was that it would be a duplication of effort. Did the sponsor comment on that at all?

LEG. LINDSAY:

She maintains that it is not a duplication and. You know, I wish she was here to voice those opinions a little bit stronger, but the gist of the comments she asked me to make was that it's

not a duplication of any existing task force.

ACTING CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And through the Chair, I would just like to say that Legislator Vilorio•Fisher was very cooperative, I had made a number of requests to change some of the language in this legislation to reflect some professionalism on the part of the people from the automotive industry. But upon further review, I have to agree with the chair that I do feel this would be duplicative in terms of its function within the County. I don't really have a problem any longer with the bill itself, but as I said, upon further review, I feel it would be duplicative.

ACTING CHAIRMAN O'LEARY:

Any question on the motion to table? Hearing none, all those in favor? Opposed?

Abstentions? ***1929 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

1944•05 • Authorizing the release of contingency funds for continuation of County policy utilizing Deputy Sheriffs for prisoner transportation and detention at Cohalan Court Complex (Option I) (County Executive). Continue the motion to table by myself, second by Legislator Nowick. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? ***1944 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

1948•05 • Adopting Local Law No. 2005, a Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission (Mystal).

LEG. MYSTAL:

Table.

LEG. BISHOP:

Second.

ACTING CHAIRMAN O'LEARY:

Okay. Thank you very much, Legislator Mystal. Motion to table by Legislator Mystal, seconded by Legislator Bishop. On the question of the motion to table 1948? Hearing none, all those in favor? Opposed? Abstentions? ***1948 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

1954•05 • Authorizing the release of contingency funds for continuation of County policy utilizing Deputy Sheriffs/Correction Officers for prisoner transportation and detention at Cohalan Court Complex (Option II) (County Executive). Motion to table by myself, second by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? ***1954 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

2006•05 • To establish a "Safe Communities Initiative" Task Force to study the expanded use of security camera systems to deter crime and assist law enforcement efforts in high•crime areas (Cooper).

LEG. BISHOP:

Motion to table.

ACTING CHAIRMAN O'LEARY:

Motion to table by Legislator Bishop, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? ***2006 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

2013•05 • Adopting Local Law No. 2005, a Local Law to amend Article II of Chapter 270 of the Suffolk County Code to provide further protections under the "Crack House Law" (Cooper). Has the public hearing been closed on this?

MS. KNAPP:

Yes.

ACTING CHAIRMAN O'LEARY:

It has? Okay.

MS. KNAPP:

November 22nd.

LEG. BISHOP:

Can we •• may I ask Counsel, is this the legislation that expands the Crack House Law to cover such things as insurance fraud?

LEG. MYSTAL:

That's the one.

LEG. LOSQUADRO:

Yeah.

LEG. BISHOP:

That's troubling.

MS. KNAPP:

Yes.

LEG. BISHOP:

Thank you.

LEG. LOSQUADRO:

Legislator O'Leary?

ACTING CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes. And I know Legislator Bishop has been critical of this legislation, perhaps because it's somewhat of a misnomer with the Crack House Law. And it might be perhaps better served being under its own new title within the County, but it's still something that based on my

background in the insurance industry I feel is very important to give law enforcement the tools they need; as I've pointed out in the past, Al Capone was put in jail for tax evasion. So you give law enforcement the tools they need to go after these individuals who routinely skirt the law and I'm in favor of this resolution.

ACTING CHAIRMAN O'LEARY:

Legislator Nowick.

LEG. NOWICK:

Just to be clear on this, this is the law •• it's not just •• I understood Crack House Law would be people that are selling drugs, but this has to do with any type of even an insurance fraud, these people can be brought to court? Right, we talked about this ad infinitum a few months ago. I have to agree with Legislator Bishop on this one, I think it's just a little too grey and it's a little too •• covers a little too much, I would like to see it zeroed in a little bit.

ACTING CHAIRMAN O'LEARY:

Okay, what's the pleasure of the committee?

LEG. MYSTAL:

Motion to table.

LEG. BISHOP:

Motion to table.

LEG. NOWICK:

Second.

ACTING CHAIRMAN O'LEARY:

There's a motion to table by Legislator Bishop, seconded by Legislator Nowick. On the question of the motion to table 2013? Hearing none, all those in favor? Opposed? Abstentions? **2013 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).**

2026•05 • Establishing a policy to ensure adequate police protection for Suffolk County residents (Binder). Can I have an explanation on this, Counsel? Is this the ••

MS. KNAPP:

This is the resolution that would require that all shifts, all sectors within each precinct be manned, be scheduled?

ACTING CHAIRMAN O'LEARY:

Okay, this is the resolution that would require all sector cars within the precincts be manned on all tours?

MS. KNAPP:

Yes. There is an exception for an emergency condition.

ACTING CHAIRMAN O'LEARY:

And what is that?

MS. KNAPP:

That the Police Commissioner, in the event there is an emergency, the condition makes it impossible to implement the policy. The Police Commissioner has to file a report of each and every such incident with the Executive and the Clerk of the Legislature.

ACTING CHAIRMAN O'LEARY:

Okay. The Chair had asked me to move this particular resolution to get it before the full body before the end of the year. With that, I would ask my colleagues on Public Safety to move this to the full body for the purposes of further debate and final resolution before the end of this calendar year. With that, I'm going to make a motion to approve, seconded by Legislator Nowick.

LEG. LINDSAY:

I'll make a motion to table.

LEG. MYSTAL:

Thank you.

ACTING CHAIRMAN O'LEARY:

Motion to table ••

LEG. MYSTAL:

Second.

ACTING CHAIRMAN O'LEARY:

Motion to table by Legislator Lindsay, second by Legislator Mystal which has preference. On the question of the motion to table? Hearing none, all those in favor?

LEG. BISHOP:

Yes, I am.

ACTING CHAIRMAN O'LEARY:

Well, if it's 3•3 it's going to get killed, so.

LEG. BISHOP:

Motion to table.

ACTING CHAIRMAN O'LEARY:

I'll entertain the motion to table as well and I'll vote for the tabling. ***2026 is tabled rather than killing it (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

2033•05 • Adopting Local Law No. 2005, a Local Law to prohibit level III Sex Offenders from residing near schools, day care centers and playgrounds (Cooper).

LEG. LOSQUADRO:

Is the public hearing closed?

ACTING CHAIRMAN O'LEARY:

The public hearing status is closed?

MS. KNAPP:

The public hearing was recessed at the November 22nd meeting, so this one has to be tabled.

LEG. LINDSAY:

Motion to table.

ACTING CHAIRMAN O'LEARY:

Motion to table by Legislator Losquadro, second by Legislator Lindsay. On the question of the motion to table 2033? Hearing none, all those in favor? Opposed? ***2033 is tabled (VOTE: 6 •0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

2059•05 • Adopting Local Law No. 2005, a Local Law establishing responsible standards and controls for alarm systems that require Police Department response (Cooper). Public hearing status?

MS. KNAPP:

The public hearing was closed November 22nd.

ACTING CHAIRMAN O'LEARY:

Any comments on this, on 2059?

LEG. NOWICK:

Could I have a one•liner about what this is?

ACTING CHAIRMAN O'LEARY:

A one•liner.

LEG. BISHOP:

One paragraph.

MS. KNAPP:

It's almost impossible to do in a one•liner. This is a bill that would require alarm owners to register with the Police Department and it sets forth a procedure that, quite frankly, Legislator Cooper has been working on for months and months and months with the industry and with the Police Department, and the procedure would allow I believe one false alarm and then you would have to get it in working order and there are fines.

LEG. NOWICK:

This is commercial, for commercial?

MS. KNAPP:

No, this would cover all alarms, all alarms would be registered.

LEG. NOWICK:

Okay, that's good enough. Thank you.

LEG. LINDSAY:

Motion to approve.

ACTING CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Lindsay. Is there a second?

LEG. MYSTAL:

Motion to table.

ACTING CHAIRMAN O'LEARY:

Failing to •• well, I was just about to say, failing to hear a second on the motion.

LEG. MYSTAL:

Motion to table.

ACTING CHAIRMAN O'LEARY:

There's a motion to table by Legislator Mystal, seconded by Legislator Lindsay. On the question of the motion to table? All those in favor?

LEG. BISHOP:

Of tabling, yes.

ACTING CHAIRMAN O'LEARY:

All right, ***2059 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

Introductory Resolutions

2155•05 • Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase of a Medevac equipped helicopter (CP 3117.514)(Carpenter).

LEG. LOSQUADRO:

Motion to approve.

ACTING CHAIRMAN O'LEARY:

Motion to approve by Legislator Losquadro, seconded by myself.

On the question of the motion to approve?

LEG. LINDSAY:

Yeah, I have an issue.

ACTING CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

I need probably a little history on this. First of all, I know that we've approved new helicopters in the '06 Capital Budget, which is almost a little more than a month away. But didn't we address this issue at an earlier session, the first meeting in November?

LEG. NOWICK:

For vendors.

LEG. LINDSAY:

No, but the same issue was addressed. It was defeated and then someone changed their vote and it was approved; why is it back before us again?

LEG. LOSQUADRO:

(Inaudible).

LEG. BISHOP:

Why, why, why.

LEG. NOWICK:

No, it's amended.

LEG. LINDSAY:

Is this additional helicopters than the ones we already approved?

ACTING CHAIRMAN O'LEARY:

Is this the initiative to expedite the purchase of the helicopter so we're prepared for the season; is that what this?

MS. KNAPP:

This is ••

LEG. LINDSAY:

Well, that's what I'm assuming and I thought we already did this with a contentious vote to tell you the truth.

MS. KNAPP:

This is \$13 million in bond money that would authorize the issuance of the bond and appropriate the funds.

ACTING CHAIRMAN O'LEARY:

I remember this now.

MS. KNAPP:

And I believe it's two helicopters.

ACTING CHAIRMAN O'LEARY:

Yeah, this is ••

LEG. MYSTAL:

On the motion.

LEG. LINDSAY:

Yeah, but wasn't this addressed at the early November meeting?

ACTING CHAIRMAN O'LEARY:

It was, it was vetoed and I believe the veto was sustained or ••

LEG. MYSTAL:

It was sustained.

LEG. NOWICK:

It failed but then we went back in and it passed in the afternoon.

LEG. MYSTAL:

It was sustained.

ACTING CHAIRMAN O'LEARY:

All right, I'll tell you what. I'm going to wait till the sponsor is here, as the Chairperson, this is her resolution.

LEG. LOSQUADRO:

Change my motion to table.

ACTING CHAIRMAN O'LEARY:

I'll make a motion to table by myself, second by Legislator Losquadro. On the question of the motion to table 2055? Legislator Nowick.

LEG. NOWICK:

I don't know if time is of the essence here, but do you think maybe we should move it without •
• discharge without recommendation? This way the sponsor will be there at the meeting and we could pass it up or down then?

ACTING CHAIRMAN O'LEARY:

Is that a motion?

LEG. NOWICK:

Than otherwise we're waiting ••

ACTING CHAIRMAN O'LEARY:

Is that a motion to discharge without recommendation?

LEG. NOWICK:

Sure, yes.

ACTING CHAIRMAN O'LEARY:

By Legislator Nowick.

LEG. LINDSAY:

I'm still confused, is this a duplication of a bill that we already acted on in November or is this additional helicopters?

LEG. MYSTAL:

On the motion?

LEG. NOWICK:

It looks like ••

ACTING CHAIRMAN O'LEARY:

Legislator Mystal. Let's go through the Chair, please, let's go through the Chair. Legislator Mystal?

LEG. MYSTAL:

Yes. I think this is a bill that has been revised because the first one was defeated, was vetoed and the veto was sustained. All that bill wants to do is to move up •• what the bill wants to do is to move up the buying of the Medevac before next year in other words, she wants to have a jump on it, the sponsor of the resolution wants to have a jump so we can sell the other two, that's what she's trying to do right now as the sponsor. I think, Mr. Zwirn, could you give us ••

LEG. BISHOP:

A perspective.

LEG. MONTANO:

Through the Chair?

MR. ZWIRN:

Through the Chair.

ACTING CHAIRMAN O'LEARY:

Through the Chair; well, thank you very much, Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman.

ACTING CHAIRMAN O'LEARY:

Wait, wait, I haven't given you permission yet.

MR. ZWIRN:

I just said thank you, either way.

ACTING CHAIRMAN O'LEARY:

Go right ahead.

MR. ZWIRN:

I think you've all hit it on the head; I mean, there was a veto, the veto was not overridden. It would be about a two week period. I know the offset they were going to use for other things before the end of the year, but you're talking about two weeks. The next General Meeting isn't until December 6th, there's another meeting before the end of the year on December 20th. But there is money in the 2006 Capital Budget for this helicopter, it was just a question of whether you're doing it now or you do it in two weeks. The County Exec was hoping that we'd wait until the 2006, he put the money in the budget for it which you approved, and that's pretty much how it comes down.

ACTING CHAIRMAN O'LEARY:

Okay. What's the pleasure of the members?

LEG. NOWICK:

Motion to discharge.

ACTING CHAIRMAN O'LEARY:

There's a motion to discharge without recommendation by Legislator Nowick.

LEG. MYSTAL:

Motion to table.

ACTING CHAIRMAN O'LEARY:

Motion to table takes precedence. Is there a second to the motion to table?

ACTING CHAIRMAN O'LEARY:

Will you second the motion to table?

LEG. LINDSAY:

Yes.

LEG. BISHOP:

You guys are going to want to vote for the tabling.

ACTING CHAIRMAN O'LEARY:

Well, yeah. On the motion to table 2155, all those in favor? Opposed? Abstentions? **2155 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).**

2194•05 • Accepting and appropriating 100% Federal pass•through grant funds from the NYS Office of Emergency Management of the NYS Division of Military and Naval Affairs for a Suffolk County Citizen Corps Council Program (County Executive).

LEG. BISHOP:

Motion to approve.

ACTING CHAIRMAN O'LEARY:

Motion to approve by Legislator Bishop, second by Legislator Lindsay. On the question of the motion to approve? Hearing none, all those in favor? Opposed? ***2194 is approved and placed on the consent calendar (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

2208•05 • Accepting and appropriating 100% grant funds received from the New York State Division of Criminal Justice Services, under the Identity Theft Education Program (County Executive).

LEG. LOSQUADRO:

Motion to place on the consent calendar.

ACTING CHAIRMAN O'LEARY:

Motion to approve by Legislator Losquadro, seconded by myself, to place on the consent calendar. On the question of the motion to approve and place on the consent calendar? Hearing none, all those in favor? Opposed? Abstentions? ***2208 is approved and place on the consent calendar (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

2209•05 • Accepting and appropriating a grant in the amount of \$700,000 from New York State Department of Transportation for the LIE/HOV Enforcement Program in Suffolk County with 100% support (County Executive). Same motion, same second to place on the consent calendar. On the question?

LEG. NOWICK:

You can't.

LEG. MYSTAL:

Yes, you can.

ACTING CHAIRMAN O'LEARY:

It's 100%.

LEG. MYSTAL:

On the bottom.

ACTING CHAIRMAN O'LEARY:

You have to read the whole, read it all. All right, there's a motion •• same motion, same second to place on the consent calendar. Question on the motion? Hearing none, all those in favor? Opposed? Abstentions? **2209 is approved and placed on the consent calendar (VOTE: 6 •0•0•2 Not Present: Legislators Carpenter & Caracciolo).**

2232•05 • Accepting and appropriating a grant in the amount of \$295,993 from the United States Department of Justice, Bureau of Justice Assistance, to fund a Computer Crimes Initiative Project for the Suffolk County Police Department with 90.42% support (County Executive).

LEG. LOSQUADRO:

Motion to approve.

ACTING CHAIRMAN O'LEARY:

Motion to approve by Legislator Losquadro, seconded by myself. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **2232 is approved (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).** Can we place it on the consent calendar?

MS. KNAPP:

No.

ACTING CHAIRMAN O'LEARY:

Because it's not a hundred percent, that's right.

2234•05 • Accepting and appropriating a grant in the amount of \$98,664 from the United States Department of Justice, Office of Community Oriented Policing Services, to provide Computer System Intrusion Prevention for the Suffolk County Police Department with 100% support (County Executive). Motion to approve by Legislator Losquadro and place on the consent calendar. On the question of the motion to approve and place on the consent calendar? Hearing none, all those in favor? Opposed? Abstentions? **2234 is approved and placed on the consent calendar (VOTE: 6•0•0•2 Not Present:**

Legislators Carpenter & Caracciolo).

2251•05 • Accepting and appropriating a grant in the amount of \$350,000 from the New York Office of Homeland Security for the Buffer Zone Protection Program (BZPP) with 100% support (County Executive).

LEG. LOSQUADRO:

Same motion.

ACTING CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion to approve and place on the consent calendar? Hearing none, all those in favor? Opposed? Abstentions?

2251 is approved and placed on the consent calendar (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).

2252•05 • Accepting and appropriating \$58,436 in sub•granted funds from the Economic Opportunity Council of Suffolk, Inc., for the Wyandanch Weed and Seed Program sponsored by the U.S. Department of Justice with 88% support (County Executive). Motion to approve by Legislator Mystal, seconded by Legislator Bishop. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions?
2252 is approved (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).

2294•05 • Making a determination of non•significance pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) in conjunction with the proposed Suffolk County Correctional Facility expansion, Yaphank, Town of Brookhaven (County Executive).

LEG. MYSTAL:

Explanation.

ACTING CHAIRMAN O'LEARY:

Explanation, please.

MS. KNAPP:

This is •• as you know, in connection with the jail, the County has responsibilities under the New York State Environmental Quality Review Act. The Legislature has determined that this is a Type I Action and this is the second part of the determination. Once you've determined something is a Type I Action, you have to decide whether or not it is significant or non •significant. The declaration of non•significance means the process will have reached an end and the construction phase can go forward.

LEG. BISHOP:

Mr. Chairman, I make a motion to table.

ACTING CHAIRMAN O'LEARY:

There is a motion to table by Legislator Bishop. Is there a second?

LEG. LINDSAY:

I'll make a motion to approve.

ACTING CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Lindsay, seconded by myself.

LEG. BISHOP:

On the motion.

ACTING CHAIRMAN O'LEARY:

On the motion to approve, Legislator Bishop.

LEG. MYSTAL:

Tabling takes precedence.

LEG. BISHOP:

I didn't get a second.

ACTING CHAIRMAN O'LEARY:

There's no second.

LEG. MYSTAL:

Oh, there's no second.

ACTING CHAIRMAN O'LEARY:

There is no second.

LEG. BISHOP:

On the motion to approve, since there's no second to tabling. I think the declaration of non •significance means that there will not be an environmental impact study on what is the largest building project in Suffolk County history. So if SEQRA is designed to ensure that environmental questions are reviewed thoroughly, it will have failed seriously or it will have failed completely here in Suffolk County.

Moreover, the people of Yaphank have a new representative coming in in January and I think that that representative should be allowed to participate in the decision making process on this critical question.

The construction of the jail just intuitively, in terms of common sense, is going to have a long •lasting significant impact on the surrounding community. There are questions with regard to sewage, traffic, a myriad of issues, and I think that to take the short cut in the process is to do a disservice to the people of the Yaphank community.

You know I'm opposed to the jail and I continue to be, but I feel that what was demonstrated in November is that there are a majority of people in the County who are troubled by this proposal.

LEG. LINDSAY:

On the question.

ACTING CHAIRMAN O'LEARY:

On the question, Legislator Lindsay.

LEG. LINDSAY:

Fist of all, I disagree with my colleague that it's the largest building we've ever built in Suffolk County; it might be the most expensive but I don't think it's the largest. The revised plan for this facility has been scaled back, it's renovating the existing building with an addition on to it. And in all due respect, we have been talking about the problem we have had with a dilapidated facility for probably six years or more, it certainly predates my presence here and I just think it's time to move forward with it. It's as simple as that.

LEG. MONTANO:

Mr. Chair?

ACTING CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

I just want to •• I'm not going to speak of the merit or non•merit of building a jail, but you said that it will have a significant impact on the community. It will have a significant impact on the community but I don't know if that impact is an environmental impact that would be so significant where that structure would be built. I don't know if the environmental impact would be that much of a deal in terms of for the community •• for anything that it's surrounding. The impact may be in terms of traffic, it may be in terms of security, whatever the other impacts are going to be, but I don't think it's going to be environmentally that sensitive.

ACTING CHAIRMAN O'LEARY:

Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman. I would only suggest that we have people here who could answer any questions that you might have; Jim Bagg is here, we have representatives from the consulting firm. If you read the CEQ report, I mean, they took into account the environmental considerations before they made their declaration. But again, we have a whole group of people here to answer any questions that you might have today.

ACTING CHAIRMAN O'LEARY:

Is it the position of the Executive's Office that they're in support of this resolution?

MR. ZWIRN:

Yes.

ACTING CHAIRMAN O'LEARY:

Okay, I just changed my mind. I'm only kidding, I'm only kidding. Counsel?

MS. KNAPP:

I don't know if everyone has noticed, but CEQ has provided a summary. Just so the process is absolutely clear to everyone, that whenever you have a Type I Action they are required to have a Draft Environmental Impact Statement filed. The question of Neg Dec or Pos Dec, whether it's a Negative Declaration or a Positive Declaration, is largely determined by mitigation measures. And if you look at what CEQ has provided to the Legislature, you will see in the RESOLVED their list of mitigation measures which is what led them to recommend a Negative Declaration; just so the process is clear.

ACTING CHAIRMAN O'LEARY:

Any other question on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? One opposed, **2294 is approved (VOTE: 5 • 1 • 0 • 2 Opposed: Legislator Bishop • Not Present: Legislators Carpenter & Caracciolo).**

2303 • 05 • Creating a task force to increase minority representation of the Suffolk County Police Force (Montano). What's the ••

LEG. MYSTAL:

I don't know anything. Just an explanation, please.

LEG. LINDSAY:

I would like to make a motion to table to give the sponsor an opportunity to be here to explain the resolution.

LEG. BISHOP:

Second.

ACTING CHAIRMAN O'LEARY:

The sponsor who is a member of this committee, I might add, who is not here today, so I would go along with that. Motion to table by Legislator Lindsay, seconded by Legislator Bishop. On the question of the motion to table 2303? Hearing none, all those in favor? Opposed? Abstentions? **2303 is tabled (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).**

Sense Resolutions

Sense 75•2005 • Sense of the Legislature Resolution requesting the State of New York to amend the Navigation Law to promote boating safety through increased law enforcement (Carpenter).

LEG. LINDSAY:

Motion.

ACTING CHAIRMAN O'LEARY:

Motion to approve by Legislator Lindsay, seconded by myself. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? ***Sense 75 is approved (VOTE: 6•0•0•2 Not Present: Legislators Carpenter & Caracciolo).***

Okay. Anything else before we adjourn? The meeting stands adjourned. Thank you.

(*The meeting was adjourned at 1:10 P.M.*)

***Legislator Peter O'Leary, Vice•Chair
Public Safety & Public Information Committee***

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